



# House of Representatives

## File No. 581

General Assembly

February Session, 2008

**(Reprint of File No. 469)**

Substitute House Bill No. 5748  
As Amended by House Amendment Schedule  
"A"

Approved by the Legislative Commissioner  
April 10, 2008

### **AN ACT CONCERNING TEENAGE DRIVERS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (j) of section 14-227b of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *August 1, 2008*):

4 (j) The commissioner shall suspend the operator's license or  
5 nonresident operating privilege of a person under twenty-one years of  
6 age who did not contact the department to schedule a hearing, who  
7 failed to appear at a hearing or against whom, after a hearing the  
8 commissioner held pursuant to subsection (h) of this section, as of the  
9 effective date contained in the suspension notice or the date the  
10 commissioner renders a decision whichever is later, for twice the  
11 appropriate period of time specified in subsection (i) of this section,  
12 except that, in the case of a person who is sixteen or seventeen years of  
13 age at the time of the alleged offense, the period of suspension for a  
14 first offense shall be one year if such person submitted to a test or  
15 analysis and the results of such test or analysis indicated that such  
16 person had an elevated blood alcohol content or eighteen months if

17 such person refused to submit to such test or analysis.

18 Sec. 2. Subsection (c) of section 14-36 of the 2008 supplement to the  
19 general statutes is repealed and the following is substituted in lieu  
20 thereof (*Effective August 1, 2008*):

21 (c) (1) On or after January 1, 1997, a person who is sixteen or  
22 seventeen years of age and who has not had a motor vehicle operator's  
23 license or right to operate a motor vehicle in this state suspended or  
24 revoked may apply to the Commissioner of Motor Vehicles for a  
25 learner's permit. The commissioner may issue a learner's permit to an  
26 applicant after the applicant has passed a vision screening and test as  
27 to knowledge of the laws concerning motor vehicles and the rules of  
28 the road, has paid the fee required by subsection (v) of section 14-49 of  
29 the 2008 supplement to the general statutes and has filed a certificate,  
30 in such form as the commissioner prescribes, requesting or consenting  
31 to the issuance of the learner's permit and the motor vehicle operator's  
32 license, signed by (A) one or both parents or foster parents of the  
33 applicant, as the commissioner requires, (B) the legal guardian of the  
34 applicant, (C) the applicant's spouse, if the spouse is eighteen years of  
35 age or older, or (D) if the applicant has no qualified spouse and such  
36 applicant's parent or foster parent or legal guardian is deceased,  
37 incapable, domiciled without the state or otherwise unavailable or  
38 unable to sign or file the certificate, the applicant's stepparent, or uncle  
39 or aunt by blood or marriage, provided such person is eighteen years  
40 of age or older. The commissioner may, for the more efficient  
41 administration of the commissioner's duties, appoint any drivers'  
42 school licensed in accordance with the provisions of section 14-69 or  
43 any secondary school providing instruction in motor vehicle operation  
44 and highway safety in accordance with section 14-36e to issue a  
45 learner's permit, subject to such standards and requirements as the  
46 commissioner may prescribe in regulations adopted in accordance  
47 with chapter 54. Each learner's permit shall expire on the date the  
48 holder of the permit is issued a motor vehicle operator's license or on  
49 the date the holder attains the age of eighteen years, whichever is  
50 earlier. (2) The learner's permit shall entitle the holder, while such

51 holder has the permit in his or her immediate possession, to operate a  
52 motor vehicle on the public highways, provided such holder is under  
53 the instruction of, and accompanied by, a person who holds an  
54 instructor's license issued under the provisions of section 14-73 or a  
55 person twenty years of age or older who has been licensed to operate,  
56 for at least four years preceding the instruction, a motor vehicle of the  
57 same class as the motor vehicle being operated and who has not had  
58 his or her motor vehicle operator's license suspended by the  
59 commissioner during the four-year period preceding the instruction.  
60 (3) [For the period of three months after the date of issuance of such  
61 permit, unless] Unless the holder of the permit is under the instruction  
62 of and accompanied by a person who holds an instructor's license  
63 issued under the provisions of section 14-73, [the holder shall not  
64 transport more than (A) one passenger who meets the provisions of  
65 subdivision (2) of this subsection, or (B) such holder's parents or legal  
66 guardian, at least one of whom holds a motor vehicle operator's  
67 license. (4) For the period beginning three months after the date of  
68 issuance of such permit and ending six months after the date of  
69 issuance of such permit, unless the holder is under the instruction of  
70 and accompanied by a person who holds an instructor's license issued  
71 under the provisions of section 14-73, such holder shall not transport  
72 any passenger other than as permitted under subdivision (2) or (3) of  
73 this subsection and any additional member or members of such  
74 holder's immediate family. (5)] no passenger in addition to the person  
75 providing instruction shall be transported unless such passenger is a  
76 parent or legal guardian of the holder of the permit. (4) The holder of a  
77 learner's permit who (A) is an active member of a certified ambulance  
78 service, as defined in section 19a-175, (B) has commenced an  
79 emergency vehicle operator's course that conforms to the national  
80 standard curriculum developed by the United States Department of  
81 Transportation, and (C) has had state and national criminal history  
82 records checks conducted by the certified ambulance service or by the  
83 municipality in which such ambulance service is provided, shall be  
84 exempt from the provisions of subdivisions (2) [,] and (3) [and (4)] of  
85 this subsection only when such holder is en route to or from the

86 location of the ambulance for purposes of responding to an emergency  
87 call. [(6)] (5) The commissioner may revoke any learner's permit used  
88 in violation of the limitations imposed by subdivision (2) [,] or (3) [or  
89 (4)] of this subsection.

90 Sec. 3. Subsection (d) of section 14-36 of the general statutes is  
91 repealed and the following is substituted in lieu thereof (*Effective*  
92 *August 1, 2008*):

93 (d) (1) No motor vehicle operator's license shall be issued to any  
94 applicant who is sixteen or seventeen years of age unless the applicant  
95 has held a learner's permit and has satisfied the requirements specified  
96 in this subsection. The applicant shall (A) present to the commissioner  
97 a certificate of the successful completion (i) in a public secondary  
98 school, a state vocational school or a private secondary school of a full  
99 course of study in motor vehicle operation prepared as provided in  
100 section 14-36e, (ii) of training of similar nature provided by a licensed  
101 drivers' school approved by the commissioner, or (iii) of home training  
102 in accordance with subdivision (2) of this subsection, including, in each  
103 case, or by a combination of such types of training, successful  
104 completion of: [not] Not less than twenty clock hours of behind-the-  
105 wheel, on-the-road instruction for applicants to whom a learner's  
106 permit is issued before August 1, 2008; and not less than forty clock  
107 hours of behind-the-wheel, on-the-road instruction for applicants to  
108 whom a learner's permit is issued on or after August 1, 2008; (B)  
109 present to the commissioner a certificate of the successful completion  
110 of a course of not less than eight hours relative to safe driving  
111 practices, including a minimum of four hours on the nature and the  
112 medical, biological and physiological effects of alcohol and drugs and  
113 their impact on the operator of a motor vehicle, the dangers associated  
114 with the operation of a motor vehicle after the consumption of alcohol  
115 or drugs by the operator, the problems of alcohol and drug abuse and  
116 the penalties for alcohol and drug-related motor vehicle violations; and  
117 (C) pass an examination which [shall] may include a comprehensive  
118 test as to knowledge of the laws concerning motor vehicles and the  
119 rules of the road in addition to the test required under subsection (c) of

120 this section and shall include an on-the-road skills test as prescribed by  
121 the commissioner. At the time of application and examination for a  
122 motor vehicle operator's license, an applicant sixteen or seventeen  
123 years of age shall have held a learner's permit for not less than one  
124 hundred eighty days, except that an applicant who presents a  
125 certificate under subparagraph (A)(i) or subparagraph (A)(ii) of this  
126 subdivision shall have held a learner's permit for not less than one  
127 hundred twenty days and an applicant who is undergoing training  
128 and instruction by the handicapped driver training unit in accordance  
129 with the provisions of section 14-11b shall have held such permit for  
130 the period of time required by said unit. The Commissioner of Motor  
131 Vehicles shall approve the content of the safe driving instruction at  
132 drivers' schools, high schools and other secondary schools. Such hours  
133 of instruction required by this subdivision shall be included as part of  
134 or in addition to any existing instruction programs. Any fee charged  
135 for the course required under subparagraph (B) of this subdivision  
136 shall not exceed an amount prescribed by the commissioner by  
137 regulation, adopted in accordance with chapter 54. Any applicant  
138 sixteen or seventeen years of age who, while a resident of another  
139 state, completed the course required in subparagraph (A) of this  
140 subdivision, but did not complete the safe driving course required in  
141 subparagraph (B) of this subdivision, shall complete the safe driving  
142 course, and any fee charged for the course shall not exceed an amount  
143 prescribed by the commissioner by regulation, adopted in accordance  
144 with chapter 54. The commissioner may waive any requirement in this  
145 subdivision, except for that in subparagraph (C) of this subdivision, in  
146 the case of an applicant sixteen or seventeen years of age who holds a  
147 valid motor vehicle operator's license issued by any other state,  
148 provided the commissioner is satisfied that the applicant has received  
149 training and instruction of a similar nature. (2) The commissioner may  
150 accept as evidence of sufficient training under subparagraph (A) of  
151 subdivision (1) of this subsection home training as evidenced by a  
152 written statement signed by the spouse of a married minor applicant,  
153 or by a parent, grandparent, foster parent or legal guardian of an  
154 applicant which states that the applicant has obtained a learner's

155 permit and has successfully completed a driving course taught by the  
156 person signing the statement, that the signer has had an operator's  
157 license for at least four years preceding the date of the statement, and  
158 that the signer has not had such license suspended by the  
159 commissioner for at least four years preceding the date of the  
160 statement or, if the applicant has no spouse, parent, grandparent,  
161 foster parent or guardian so qualified and available to give the  
162 instruction, a statement signed by the applicant's stepparent, brother,  
163 sister, uncle or aunt, by blood or marriage, provided the person  
164 signing the statement is qualified. (3) If the commissioner requires a  
165 written test of any applicant under this section, the test shall be given  
166 in English or Spanish at the option of the applicant, provided the  
167 commissioner shall require that the applicant shall have sufficient  
168 understanding of English for the interpretation of traffic control signs.  
169 (4) The Commissioner of Motor Vehicles may adopt regulations, in  
170 accordance with the provisions of chapter 54, to implement the  
171 purposes of this subsection concerning the requirements for behind-  
172 the-wheel, on-the-road instruction and the content of safe driving  
173 instruction at drivers' schools, high schools and other secondary  
174 schools.

175 Sec. 4. Section 14-36g of the 2008 supplement to the general statutes  
176 is repealed and the following is substituted in lieu thereof (*Effective*  
177 *August 1, 2008*):

178 (a) Each person who holds a motor vehicle operator's license and  
179 who is sixteen or seventeen years of age shall comply with the  
180 following requirements:

181 (1) Except as provided in subsection (b) of this section, for the  
182 period of [three] six months after the date of issuance of such license,  
183 such person shall not transport more than (A) such person's parents or  
184 legal guardian, at least one of whom holds a motor vehicle operator's  
185 license, or (B) one passenger who is a driving instructor licensed by the  
186 Department of Motor Vehicles, or a person twenty years of age or  
187 older who has been licensed to operate, for at least four years

188 preceding the time of being transported, a motor vehicle of the same  
189 class as the motor vehicle being operated and who has not had his or  
190 her motor vehicle operator's license suspended by the commissioner  
191 during such four-year period;

192 (2) Except as provided in subsection (b) of this section, for the  
193 period beginning [~~three~~] six months after the date of issuance of such  
194 license and ending [~~six months~~] one year after the date of issuance of  
195 such license, such person shall not transport any passenger other than  
196 as permitted under subdivision (1) of this subsection and any  
197 additional member or members of such person's immediate family;

198 (3) No such person shall operate any motor vehicle for which a  
199 public passenger transportation permit is required in accordance with  
200 the provisions of section 14-44 of the 2008 supplement to the general  
201 statutes or a vanpool vehicle, as defined in section 14-1 of the 2008  
202 supplement to the general statutes;

203 (4) No such person shall transport more passengers in a motor  
204 vehicle than the number of seat safety belts permanently installed in  
205 such motor vehicle;

206 (5) No such person issued a motorcycle endorsement shall transport  
207 any passenger on a motorcycle for a period of six months after the date  
208 of issuance; and

209 (6) Except as provided in subsection (b) of this section, no such  
210 person shall operate a motor vehicle on any highway, as defined in  
211 section 14-1 of the 2008 supplement to the general statutes, at or after  
212 [~~midnight~~] 11:00 p.m. until and including 5:00 a.m. of the [~~same~~]  
213 following day unless (A) such person is traveling for his or her  
214 employment or school or religious activities, (B) there is a medical  
215 necessity for such travel, or (C) such person is an assigned driver in a  
216 Safe Ride program sponsored by the American Red Cross, the Boy  
217 Scouts of America or other national public service organization.

218 (b) A person who holds a motor vehicle operator's license and who

219 is sixteen or seventeen years of age shall not be subject to the  
220 restrictions on the number or type of passengers specified in  
221 subdivision (1) or (2) of subsection (a) of this section, or to the  
222 restrictions specified in subdivision (6) of said subsection (a), if such  
223 person is an active member of a volunteer fire company or department,  
224 a volunteer ambulance service or company or an emergency medical  
225 service organization and if such person is responding to an emergency  
226 or is carrying out his or her duties as such active member.

227 (c) The Commissioner of Motor Vehicles may adopt regulations, in  
228 accordance with chapter 54, to implement the provisions of subsection  
229 (a) of this section. Such regulations may provide exceptions to the  
230 provisions of subdivision (2) of subsection (a) of this section for a  
231 single parent under the age of eighteen for the purposes of  
232 transporting the child of such parent to day care, child care and  
233 education facilities, medical appointments, and for such other  
234 purposes as may be determined by the commissioner.

235 (d) Any person who violates any provision of subsection (a) of this  
236 section shall be deemed to have committed an infraction. The  
237 Commissioner of Motor Vehicles [, after notice and opportunity for a  
238 hearing, in accordance with chapter 54, may] shall suspend the motor  
239 vehicle operator's license of any person who [commits a second or  
240 subsequent violation of] violates the provisions of subsection (a) of this  
241 section for a period of thirty days for a first violation, and for a period  
242 of six months or until such person attains the age of eighteen years,  
243 whichever is longer, for a second violation.

244 Sec. 5. Subsection (c) of section 14-100a of the 2008 supplement to  
245 the general statutes is repealed and the following is substituted in lieu  
246 thereof (*Effective August 1, 2008*):

247 (c) (1) The operator of and any front seat passenger in a motor  
248 vehicle with a gross vehicle weight rating not exceeding ten thousand  
249 pounds or fire fighting apparatus originally equipped with seat safety  
250 belts complying with the provisions of the Code of Federal



251 Regulations, Title 49, Section 571.209, as amended from time to time,  
252 shall wear such seat safety belt while the vehicle is being operated on  
253 [the highways of this state] any highway, except [that a] as follows:

254 (A) A child six years of age and under shall be restrained as  
255 provided in subsection (d) of this section; [ . Each]

256 (B) The operator of such vehicle shall secure or cause to be secured  
257 in a seat safety belt any passenger seven years of age or older and  
258 under sixteen years of age; and

259 (C) If the operator of such vehicle is under eighteen years of age,  
260 such operator and each passenger in such vehicle shall wear such seat  
261 safety belt while the vehicle is being operated on any highway.

262 (2) The provisions of subdivision (1) of this subsection shall not  
263 apply to (A) any person whose physical disability or impairment  
264 would prevent restraint in such safety belt, provided such person  
265 obtains a written statement from a licensed physician containing  
266 reasons for such person's inability to wear such safety belt and  
267 including information concerning the nature and extent of such  
268 condition. Such person shall carry the statement on his or her person  
269 or in the motor vehicle at all times when it is being operated, or (B) an  
270 authorized emergency vehicle, other than fire fighting apparatus,  
271 responding to an emergency call or a motor vehicle operated by a rural  
272 letter carrier of the United States postal service while performing his or  
273 her official duties or by a person engaged in the delivery of  
274 newspapers.

275 (3) Failure to wear a seat safety belt shall not be considered as  
276 contributory negligence nor shall such failure be admissible evidence  
277 in any civil action.

278 (4) [On and after February 1, 1986, any person] Any operator of a  
279 motor vehicle, who is eighteen years of age or older, and any  
280 passenger in such motor vehicle, who violates [the provisions] any  
281 provision of this subsection shall have committed an infraction and

282 shall be fined fifteen dollars. Any operator of a motor vehicle who is  
283 under eighteen years of age and any passenger in such motor vehicle  
284 who violates any provision of this subsection shall have committed an  
285 infraction and shall be fined seventy-five dollars. Points may not be  
286 assessed against the operator's license of any person convicted of such  
287 violation.

288 Sec. 6. Subsection (b) of section 14-111 of the general statutes is  
289 repealed and the following is substituted in lieu thereof (*Effective*  
290 *August 1, 2008*):

291 (b) (1) [Whenever] Except as provided in subdivision (2) of this  
292 subsection, whenever the holder of any motor vehicle operator's  
293 license has been convicted or has forfeited any bond taken or has  
294 received a suspended judgment or sentence for any of the following  
295 violations, the commissioner shall, without hearing, suspend [his] such  
296 person's operator's license as follows: For a first violation of subsection  
297 (a) of section 14-224 or section 14-110, 14-215 or 53a-119b, for a period  
298 of not less than one year and, for a subsequent violation thereof, for a  
299 period of not less than two years; for a violation of subsection (a) of  
300 section 14-222, for a period of not less than thirty days or more than  
301 ninety days and, for a subsequent violation thereof, for a period of not  
302 less than ninety days; for a violation of subsection (b) of section 14-224,  
303 for a period of not less than ninety days; for a first violation of  
304 subsection (b) of section 14-147, for a period of not less than ninety  
305 days and, for a subsequent violation thereof, for a period of not less  
306 than five years; for a first violation of subsection (c) of section 14-147,  
307 for a period of not less than thirty days and, for a subsequent violation  
308 thereof, for a period of not less than one year.

309 (2) Notwithstanding the provisions of section 14-111b, whenever the  
310 holder of any motor vehicle operator's license who is less than eighteen  
311 years of age has been convicted or has forfeited any bond taken or has  
312 received a suspended judgment or sentence for any of the following  
313 violations, the commissioner shall suspend such person's operator's  
314 license as follows: For a first violation of subdivision (4) of subsection

315 (a) of section 14-219, as amended by this act, for a period of sixty days  
316 and, for a second violation thereof, for a period of ninety days and, for  
317 a third or subsequent violation thereof, for a period of six months; for a  
318 first violation of subsection (a) of section 14-222, for a period of six  
319 months and, for a subsequent violation thereof, for a period of one  
320 year; for a violation of subsection (c) of section 14-224, for a period of  
321 six months and, for a subsequent violation thereof, for a period of one  
322 year; for a first violation of section 14-296aa, for a period of thirty days  
323 and, for a second violation thereof, for a period of ninety days and, for  
324 a third or subsequent violation thereof, for a period of six months.

325 [(2)] (3) The commissioner may suspend the motor vehicle  
326 operator's license of any person (A) who was arrested for a felony, and  
327 (B) for whom there is an outstanding warrant for rearrest for failing to  
328 appear when legally called with regard to such felony. The suspension  
329 shall terminate no later than the date on which such person appears  
330 before the court with regard to such felony or such failure to appear.

331 Sec. 7. Subsection (a) of section 14-111g of the general statutes is  
332 repealed and the following is substituted in lieu thereof (*Effective*  
333 *August 1, 2008*):

334 (a) For the purposes of this subsection, "moving violation" means  
335 any violation of subsection (c) of section 14-36, as amended by this act,  
336 section 14-36g, as amended by this act, 14-218a, 14-219, 14-222, 14-223,  
337 14-230 to 14-249, inclusive, 14-279, 14-289b, subsection (d) of section 14-  
338 296aa, 14-299, 14-301, 14-302 or 14-303, and "suspension violation"  
339 means a violation of section 14-222a or 14-224, subsection (a) of section  
340 14-227a, or section 53a-56b, 53a-57 or 53a-60d. The Commissioner of  
341 Motor Vehicles may require any licensed motor vehicle operator who  
342 is twenty-four years of age or less, who has been convicted of a  
343 moving violation or a suspension violation, or both, committed on two  
344 or more occasions to attend a motor vehicle operator's retraining  
345 program. The commissioner may require any licensed motor vehicle  
346 operator over twenty-four years of age, who has been convicted of a  
347 moving violation or a suspension violation or a combination of said

348 violations, committed on three or more occasions to attend a motor  
349 vehicle operator's retraining program. The retraining program shall (1)  
350 review principles of motor vehicle operation, (2) develop alternative  
351 attitudes for those attitudes contributing to aggressive driving  
352 behavior, and (3) emphasize the need to practice safe driving behavior.  
353 The retraining program shall be offered by the Department of Motor  
354 Vehicles or by any other organization conducting such a program  
355 certified by the commissioner. The commissioner shall notify such  
356 operator, in writing, of such requirement. A fee of not more than sixty  
357 dollars shall be charged for the retraining program. The commissioner,  
358 after notice and opportunity for hearing, may suspend the motor  
359 vehicle operator's license of any such operator who fails to attend or  
360 successfully complete the program until the operator successfully  
361 completes the program. The hearing shall be limited to any claim of  
362 impossibility of the operator to attend the retraining program, or to a  
363 determination of mistake or misidentification.

364       Sec. 8. (NEW) (*Effective August 1, 2008*) (a) If a police officer issues an  
365 infractions complaint to any person for a violation of the provisions of  
366 section 14-36g of the 2008 supplement to the general statutes, as  
367 amended by this act, the motor vehicle operator's license of such  
368 person shall be suspended for a period of forty-eight hours  
369 commencing on the date and time such complaint is issued, and such  
370 officer, acting on behalf of the Commissioner of Motor Vehicles, shall  
371 immediately seize and take possession of such person's motor vehicle  
372 operator's license and may cause such vehicle to be removed. In order  
373 to regain possession of such person's operator's license, after such  
374 forty-eight-hour period, such person and such person's parent or legal  
375 guardian shall appear in person at the police department, state police  
376 barracks or other location designated by the police officer, and sign a  
377 written acknowledgement of the return of such license. No restoration  
378 fee shall be required to be paid to the commissioner, in accordance  
379 with the provisions of section 14-50b of the general statutes, but the  
380 police officer shall make a written report of the violation and the  
381 suspension action, in such form and containing such information as

382 the commissioner shall prescribe, and shall file or transmit such report  
383 to the commissioner in such time and manner as the commissioner  
384 shall prescribe.

385 (b) If any person operating a motor vehicle, subject to the provisions  
386 of section 14-36g of the 2008 supplement to the general statutes, as  
387 amended by this act, is stopped by a police officer and arrested or  
388 issued a summons by such officer for (A) violating subdivision (4) of  
389 subsection (a) of section 14-219 of the general statutes, as amended by  
390 this act, (B) operating a motor vehicle under the influence of alcohol or  
391 any drug or both in violation of section 14-227a or 14-227g of the  
392 general statutes, (C) engaging in racing a motor vehicle on a public  
393 highway in violation of subsection (c) of section 14-224 of the general  
394 statutes, or (D) operating a motor vehicle recklessly in violation of  
395 section 14-222 of the general statutes, the motor vehicle operator's  
396 license of such person shall be suspended for a period of forty-eight  
397 hours commencing on the date and time such person is arrested or  
398 such summons is issued, and such officer, acting on behalf of the  
399 Commissioner of Motor Vehicles, shall immediately seize and take  
400 possession of such person's motor vehicle operator's license and cause  
401 such motor vehicle to be removed. In order to regain possession of  
402 such person's operator's license after such forty-eight-hour period,  
403 such person and such person's parent or legal guardian shall appear in  
404 person at the police department, state police barracks or other location  
405 designated by the police officer, and sign a written acknowledgement  
406 of the return of such license. No restoration fee shall be required to be  
407 paid to the commissioner, in accordance with the provisions of section  
408 14-50b of the general statutes, but the police officer shall make a  
409 written report of the violation and the suspension action, in such form  
410 and containing such information as the commissioner shall prescribe,  
411 and shall file or transmit such report to the commissioner in such time  
412 and manner as the commissioner shall prescribe.

413 Sec. 9. (NEW) (*Effective August 1, 2008*) (a) The Commissioner of  
414 Motor Vehicles shall amend the regulations adopted pursuant to  
415 section 14-36f of the general statutes concerning the content of safe

416 driving instruction courses offered at drivers' schools, high schools  
417 and other secondary schools to require the eight hours of instruction  
418 required by such regulations to include, for applicants to whom a  
419 learner's permit is issued on or after August 1, 2008, two hours of  
420 instruction concerning the statutory provisions, including penalties,  
421 applicable to drivers who are less than eighteen years of age, the  
422 dangers of teenage driving, the cognitive development of adolescents,  
423 the responsibilities and liabilities of parents of teenage drivers, and  
424 related topics deemed by the commissioner to be appropriate.

425 (b) A parent or guardian of any such applicant to whom a learner's  
426 permit is issued on or after August 1, 2008, who is less than eighteen  
427 years of age, shall attend such two hours of instruction with such  
428 applicant. Before any such applicant is permitted to take the driver's  
429 test, such applicant shall provide an affidavit to the commissioner,  
430 signed under penalty of false statement, by an official of the driver's  
431 school, high school or other secondary school by which such course  
432 was conducted, that a parent or guardian attended the two hours of  
433 instruction required by subsection (a) of this section with such  
434 applicant.

435 Sec. 10. Subsection (a) of section 54-76b of the general statutes is  
436 repealed and the following is substituted in lieu thereof (*Effective*  
437 *August 1, 2008*):

438 (a) For the purposes of sections 54-76b to 54-76n, inclusive, as  
439 amended by this act:

440 (1) "Youth" means (A) a minor who has reached the age of sixteen  
441 years but has not reached the age of eighteen years at the time of the  
442 alleged offense, or (B) a child who has been transferred to the regular  
443 criminal docket of the Superior Court pursuant to section 46b-127 of  
444 the 2008 supplement to the general statutes; and

445 (2) "Youthful offender" means a youth who (A) is charged with the  
446 commission of a crime which is not a class A felony or a violation of  
447 section 14-222a, subsection (a) of section 14-224, section 14-227a, 14-

448 227g, subdivision (2) of subsection (a) of section 53-21 of the 2008  
449 supplement to the general statutes or section 53a-70, 53a-70a, 53a-70b,  
450 53a-71 of the 2008 supplement to the general statutes, 53a-72a or 53a-  
451 72b, except a violation involving consensual sexual intercourse or  
452 sexual contact between the youth and another person who is thirteen  
453 years of age or older but under sixteen years of age, and (B) has not  
454 previously been convicted of a felony in the regular criminal docket of  
455 the Superior Court or been previously adjudged a serious juvenile  
456 offender or serious juvenile repeat offender, as defined in section 46b-  
457 120 of the 2008 supplement to the general statutes.

458 Sec. 11. Subsection (a) of section 54-76c of the general statutes is  
459 repealed and the following is substituted in lieu thereof (*Effective*  
460 *August 1, 2008*):

461 (a) In any case where an information or complaint has been laid  
462 charging a defendant with the commission of a crime, and where it  
463 appears that the defendant is a youth, such defendant shall be  
464 presumed to be eligible to be adjudged a youthful offender and the  
465 court having jurisdiction shall, but only as to the public, order the  
466 court file sealed, unless such defendant (1) is charged with the  
467 commission of a crime which is a class A felony or a violation of  
468 section 14-222a, subsection (a) of section 14-224, section 14-227a, 14-  
469 227g, subdivision (2) of subsection (a) of section 53-21 of the 2008  
470 supplement to the general statutes or section 53a-70, 53a-70a, 53a-70b,  
471 53a-71 of the 2008 supplement to the general statutes, 53a-72a or 53a-  
472 72b, except a violation involving consensual sexual intercourse or  
473 sexual contact between the youth and another person who is thirteen  
474 years of age or older but under sixteen years of age, or (2) has been  
475 previously convicted of a felony in the regular criminal docket of the  
476 Superior Court or been previously adjudged a serious juvenile  
477 offender or serious juvenile repeat offender, as defined in section 46b-  
478 120 of the 2008 supplement to the general statutes. Except as provided  
479 in subsection (b) of this section, upon motion of the prosecuting  
480 official, the court may order that an investigation be made of such  
481 defendant under section 54-76d, for the purpose of determining

482 whether such defendant is ineligible to be adjudged a youthful  
483 offender, provided the court file shall remain sealed, but only as to the  
484 public, during such investigation.

485 Sec. 12. Section 54-76l of the general statutes is repealed and the  
486 following is substituted in lieu thereof (*Effective August 1, 2008*):

487 (a) The records or other information of a youth, other than a youth  
488 arrested for or charged with the commission of a crime which is a class  
489 A felony or a violation of section 14-222a, subsection (a) of section 14-  
490 224, section 14-227a, 14-227g, subdivision (2) of subsection (a) of  
491 section 53-21 of the 2008 supplement to the general statutes or section  
492 53a-70, 53a-70a, 53a-70b, 53a-71 of the 2008 supplement to the general  
493 statutes, 53a-72a or 53a-72b, except a violation involving consensual  
494 sexual intercourse or sexual contact between the youth and another  
495 person who is thirteen years of age or older but under sixteen years of  
496 age, including fingerprints, photographs and physical descriptions,  
497 shall be confidential and shall not be open to public inspection or be  
498 disclosed except as provided in this section, but such fingerprints,  
499 photographs and physical descriptions submitted to the State Police  
500 Bureau of Identification of the Division of State Police within the  
501 Department of Public Safety at the time of the arrest of a person  
502 subsequently adjudged, or subsequently presumed or determined to  
503 be eligible to be adjudged, a youthful offender shall be retained as  
504 confidential matter in the files of the bureau and be opened to  
505 inspection only as provided in this section. Other data ordinarily  
506 received by the bureau, with regard to persons arrested for a crime,  
507 shall be forwarded to the bureau to be filed, in addition to such  
508 fingerprints, photographs and physical descriptions, and be retained in  
509 the division as confidential information, open to inspection only as  
510 provided in this section.

511 (b) The records of any such youth, or any part thereof, may be  
512 disclosed to and between individuals and agencies, and employees of  
513 such agencies, providing services directly to the youth, including law  
514 enforcement officials, state and federal prosecutorial officials, school



515 officials in accordance with section 10-233h, court officials, the Division  
516 of Criminal Justice, the Court Support Services Division, the Board of  
517 Pardons and Paroles and an advocate appointed pursuant to section  
518 54-221 for a victim of a crime committed by the youth. Such records  
519 shall also be available to the attorney representing the youth, in any  
520 proceedings in which such records are relevant, to the parents or  
521 guardian of such youth, until such time as the youth reaches the age of  
522 majority or is emancipated, and to the youth upon his or her  
523 emancipation or attainment of the age of majority, provided proof of  
524 the identity of such youth is submitted in accordance with guidelines  
525 prescribed by the Chief Court Administrator. Such records disclosed  
526 pursuant to this subsection shall not be further disclosed.

527 (c) The records of any such youth, or any part thereof, may be  
528 disclosed upon order of the court to any person who has a legitimate  
529 interest in the information and is identified in such order. Records or  
530 information disclosed pursuant to this subsection shall not be further  
531 disclosed.

532 (d) The records of any such youth, or any part thereof, shall be  
533 available to the victim of the crime committed by such youth to the  
534 same extent as the record of the case of a defendant in a criminal  
535 proceeding in the regular criminal docket of the Superior Court is  
536 available to a victim of the crime committed by such defendant. The  
537 court shall designate an official from whom such victim may request  
538 such information. Information disclosed pursuant to this subsection  
539 shall not be further disclosed.

540 (e) Any reports and files held by the Court Support Services  
541 Division regarding any such youth who served a period of probation  
542 may be accessed and disclosed by employees of the division for the  
543 purpose of performing the duties contained in section 54-63b.

544 (f) Information concerning any such youth who has escaped from an  
545 institution to which such youth has been committed or for whom an  
546 arrest warrant has been issued may be disclosed by law enforcement

547 officials.

548 (g) The information contained in and concerning the issuance of any  
549 protective order issued in a case in which a person is presumed or  
550 determined to be eligible to be adjudged a youthful offender shall be  
551 entered in the registry of protective orders pursuant to section 51-5c  
552 and may be further disclosed as specified in said section.

553 (h) The records of any youth adjudged a youthful offender for a  
554 violation of section 14-222, subsection (b) or (c) of section 14-224,  
555 section 14-215 or subsection (b) of section 14-223 shall be disclosed to  
556 the Department of Motor Vehicles for administrative use in  
557 determining whether suspension of such person's motor vehicle  
558 operator's license is warranted. The commissioner shall suspend the  
559 motor vehicle operator's license of such youth for six months for a first  
560 offense and one year for a second or subsequent offense. Such records  
561 disclosed pursuant to this subsection shall not be further disclosed.

562 [(h)] (i) The provisions of this section, as amended by public act 05-  
563 232, apply to offenses committed after January 1, 2006, and do not  
564 affect any cases pending on said date or any investigations involving  
565 offenses committed prior to said date.

566 Sec. 13. Section 14-219 of the general statutes is repealed and the  
567 following is substituted in lieu thereof (*Effective August 1, 2008*):

568 (a) No person shall operate any motor vehicle (1) upon any  
569 highway, road or any parking area for ten cars or more, at such a rate  
570 of speed as to endanger the life of any occupant of such motor vehicle,  
571 but not the life of any other person than such an occupant; or (2) at a  
572 rate of speed greater than fifty-five miles per hour upon any highway  
573 other than a highway specified in subsection (b) of section 14-218a for  
574 which a speed limit has been established in accordance with the  
575 provisions of said subsection; [or] (3) at a rate of speed greater than  
576 sixty-five miles per hour upon any highway specified in subsection (b)  
577 of section 14-218a for which a speed limit has been established in  
578 accordance with the provisions of said subsection; or (4) if such person

579 is under eighteen years of age, upon any highway or road for which a  
580 speed limit of less than sixty-five miles per hour has been established  
581 in accordance with subsection (a) of section 14-218a, at a rate of speed  
582 twenty miles per hour or more above such speed limit.

583 (b) Any person who operates a motor vehicle (1) on a multiple lane,  
584 limited access highway other than a highway specified in subsection  
585 (b) of section 14-218a for which a speed limit has been established in  
586 accordance with the provisions of said subsection at a rate of speed  
587 greater than fifty-five miles per hour but not greater than seventy  
588 miles per hour, [or] (2) on a multiple lane, limited access highway  
589 specified in subsection (b) of section 14-218a for which a speed limit  
590 has been established in accordance with the provisions of said  
591 subsection at a rate of speed greater than sixty-five miles per hour but  
592 not greater than seventy miles per hour, [or] (3) on any other highway  
593 at a rate of speed greater than fifty-five miles per hour but not greater  
594 than sixty miles per hour, or (4) if such person is under eighteen years  
595 of age, upon any highway or road for which a speed limit of less than  
596 sixty-five miles per hour has been established in accordance with  
597 subsection (a) of section 14-218a, at a rate of speed twenty miles per  
598 hour or more above such speed limit, shall commit an infraction,  
599 provided any such person operating a truck, as defined in section 14-  
600 260n of the 2008 supplement to the general statutes, shall have  
601 committed a violation and shall be fined not less than one hundred  
602 dollars nor more than one hundred fifty dollars.

603 (c) Any person who violates any provision of subdivision (1) of  
604 subsection (a) of this section or who operates a motor vehicle (1) on a  
605 multiple lane, limited access highway at a rate of speed greater than  
606 seventy miles per hour but not greater than eighty-five miles per hour,  
607 or (2) on any other highway at a rate of speed greater than sixty miles  
608 per hour but not greater than eighty-five miles per hour, shall be fined  
609 not less than one hundred dollars nor more than one hundred fifty  
610 dollars, provided any such person operating a truck, as defined in  
611 section 14-260n of the 2008 supplement to the general statutes, shall be  
612 fined not less than one hundred fifty dollars nor more than two

613 hundred dollars.

614 (d) No person shall be subject to prosecution for a violation of both  
 615 subsection (a) of this section and subsection (a) of section 14-222  
 616 because of the same offense.

617 (e) Notwithstanding any provision of the general statutes to the  
 618 contrary, any person who violates subdivision (1) of subsection (a) of  
 619 this section, subdivision (1) or (2) of subsection (b) of this section while  
 620 operating a truck, as defined in section 14-260n of the 2008 supplement  
 621 to the general statutes, or subdivision (1) of subsection (c) of this  
 622 section while operating a motor vehicle or a truck, as defined in section  
 623 14-260n of the 2008 supplement to the general statutes, shall follow the  
 624 procedures set forth in section 51-164n of the 2008 supplement to the  
 625 general statutes.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>August 1, 2008</i>	14-227b(j)
Sec. 2	<i>August 1, 2008</i>	14-36(c)
Sec. 3	<i>August 1, 2008</i>	14-36(d)
Sec. 4	<i>August 1, 2008</i>	14-36g
Sec. 5	<i>August 1, 2008</i>	14-100a(c)
Sec. 6	<i>August 1, 2008</i>	14-111(b)
Sec. 7	<i>August 1, 2008</i>	14-111g(a)
Sec. 8	<i>August 1, 2008</i>	New section
Sec. 9	<i>August 1, 2008</i>	New section
Sec. 10	<i>August 1, 2008</i>	54-76b(a)
Sec. 11	<i>August 1, 2008</i>	54-76c(a)
Sec. 12	<i>August 1, 2008</i>	54-76l
Sec. 13	<i>August 1, 2008</i>	14-219

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

### **OFA Fiscal Note**

#### **State Impact:**

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Department of Motor Vehicles	TF - Cost	183,700	33,700
Comptroller Misc. Accounts (Fringe Benefits) <sup>1</sup>	TF - Cost	16,800	16,800
Judicial Dept.	GF & TF - Revenue Gain	Minimal	Minimal
Public Safety, Dept.	GF - None	None	None

Note: TF=Transportation Fund; GF=General Fund

#### **Municipal Impact:**

Municipalities	Effect	FY 09 \$	FY 10 \$
Municipal Police Departments	None	None	None

### **Explanation**

The bill makes several changes related to 16 and 17 year old drivers, which will result in the fiscal impacts described below:

#### **Department of Motor Vehicles**

The estimated cost to the Department of Motor Vehicles (DMV) to implement changes in the bill is a one-time cost of \$150,000 for computer programming in FY 09 and an on-going cost of \$50,500 for personnel.

The one-time cost in FY 09 of \$150,000 is to reprogram the

<sup>1</sup> The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller. The first year fringe benefit costs for new positions do not include pension costs. The estimated first year fringe benefit rate as a percentage of payroll is 25.36%. The state's pension contribution is based upon the prior year's certification by the actuary for the State Employees Retirement System (SERS). The SERS fringe benefit rate is 33.27%, which when combined with the rate for non-pension fringe benefits totals 58.63%.

Suspension and Driver History Filing System to incorporate the suspension provisions in the bill.

The on-going cost to DMV is for one Data Entry Operator (\$50,500, including fringes) beginning in FY 09 to process and file police reports into the Suspension and Driver History Filing System.

The bill's other provisions are not anticipated to result in a fiscal impact to the DMV.

### **Judicial Department**

The bill expands seat belt requirements for any person traveling in a vehicle being driven by someone under age 18, and increases the fine for anyone under age 18 who violates any provision of the seat belt law. These changes are anticipated to generate minimal (less than \$50,000) annual revenue to the Transportation and General funds.

The bill also increases the amount of fines that any person 16 or 17 years of age must pay for certain speeding violations. This would yield a minimal annual revenue gain to the Transportation and General funds.

The bill removes certain motor vehicle crimes from the youthful offender law, which subjects 16 and 17 year old violators to treatment as adults. Any fiscal impact associated with this change is anticipated to be minimal since youthful offenders are generally subject to the same level of criminal penalties under CGS 54-76j that may be imposed on adults convicted of the same crime.

### **State and Local Police**

The bill would require police officers to temporarily suspend the license and remove the vehicle of 16 and 17 year old drivers for various infractions and violations, as well as make and remit to the Department of Motor Vehicles a written report of such actions. Police enforcement of this provision could be accommodated within the normal course of police officers' duties and at no increased cost.

House Amendment “A” deleted the provision extending youthful offender status to include any person charged with a motor vehicle violation, which eliminated a potential cost to the Judicial Department. It also increased the fine for certain speeding violations, which would result in a minimal revenue gain to the state.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

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**OLR Bill Analysis****sHB 5748 (as amended by House "A")\******AN ACT CONCERNING TEENAGE DRIVERS.*****SUMMARY:**

The bill establishes several new requirements for 16- and 17-year-olds, and in some cases their parents or legal guardians, both before and after they get their drivers' licenses. It:

1. further restricts the passengers they may carry while being instructed under a learner's permit;
2. extends passenger restrictions that currently apply for the first six months after licensure to an entire year, but authorizes the motor vehicle commissioner to provide exceptions by regulation for single parents under age 18 transporting their children for certain purposes such as child care or medical appointments;
3. begins the nighttime hours when 16- or 17-year-olds cannot drive except for employment, religious, school-related, or certain other purposes at 11 p.m. instead of midnight;
4. for anyone issued a learner's permit on or after August 1, 2008, increases from 20 to 40 hours the amount of behind-the-wheel, on-the-road training a 16- or 17-year-old must get before qualifying for licensure;
5. requires license suspensions for any violations of post-licensure driving restrictions for 16- and 17-year-olds, instead of only for second or subsequent violations;
6. establishes mandatory license suspension requirements for 16-



and 17-year-olds who violate certain traffic laws that are longer than the ones that currently apply to older drivers and, in other cases, applicable only to 16- and 17-year-olds;

7. establishes a 48-hour summary suspension and license seizure for 16- and 17-year-olds who commit certain acts, and requires a parent or guardian to accompany them when they retrieve their licenses;
8. for 16- or 17-year-olds issued learners' permits on or after August 1, 2008, requires a parent or guardian to attend two hours of instruction on teen driving laws and related issues with the child before a 16- or 17-year-old can take the license test; and
9. requires anyone in a vehicle with a 16- or 17-year-old driver to wear a seat belt and increases the penalty for anyone in a vehicle being driven by someone under age 18 who violates the seat belt law.

The bill lengthens the administrative license suspension for the first time a 16- or 17-year-old refuses to take a blood alcohol test or takes the test and has an illegal blood alcohol level.

The bill makes violations of laws on (1) learner's permit requirements and restrictions, (2) post-licensure restrictions, and (3) use of cell phones or electronic devices while driving moving violations that can lead to the teen driver having to complete the driver retraining program.

It prohibits someone under age 18 who commits negligent homicide with a motor vehicle, evading responsibility following an accident that results in a death or serious physical injury, or driving under the influence of alcohol or drugs from being considered a youthful offender. However, for certain other serious motor vehicle violations, such as reckless driving and racing on a public road, it requires disclosure of a youthful offender's record to the Department of Motor Vehicles (DMV) for imposition of a license suspension.

The bill also (1) allows the DMV commissioner to adopt regulations on the requirements for behind-the-wheel, on-the-road instruction and (2) makes inclusion of a knowledge test on motor vehicle laws and rules of the road as part of the license test discretionary instead of mandatory. The latter change appears to make it possible to administer the full-knowledge test when a 16- or 17-year old applies for a learner's permit instead of when the license examination is taken.

\*House Amendment "A" revises the bill's youthful offender provisions and 48-hour summary suspension provisions, applies the increased seat belt violation fine to everyone in a vehicle driven by someone under age 18 rather than just those under age 18, adds the exceptions from passenger restrictions for single parents under age 18, makes someone under age 18 driving 20 or more miles per hour above the speed limit a speeding infraction and increases the bill's 45-day suspension for a first offense of this violation from 45 to 60 days, fixes issues with the wording of two of the bill's provisions, and makes some other minor wording changes.

EFFECTIVE DATE: August 1, 2008

## **PASSENGER RESTRICTIONS**

### ***While Under Learner's Permit***

The bill prohibits a 16- or 17-year-old with a learner's permit from carrying any passengers except the person providing driving instruction, unless the additional passenger is a parent or legal guardian. It applies this restriction during the entire time the 16- or 17-year-old has the learner's permit.

Currently, restrictions on carrying passengers for 16- or 17-year-olds when they are learning to drive under a learner's permit parallel those that apply for the first six months after they get their licenses. Specifically:

1. for the first three months the permit is held, a 16- or 17-year-old may only have in the car (a) a licensed driver's instructor, (b) his

parents or guardians, at least one of whom must be a licensed driver, or (c) one person who is at least age 20, has been licensed for at least four years, and has not had a driver's license suspension during those four years; and

2. during the fourth through six months the permit is held, the 16- or 17-year-old may carry additional members of his immediate family, in addition to any of those noted above.

### ***After Licensure***

The bill extends the passenger restrictions that currently apply to 16- and 17-year-olds after they are licensed for a full year instead of the first six months of licensure.

After a 16- or 17-year-old gets a driver's license, current law restricts the passengers he or she can have in the vehicle while driving as explained above. The restrictions to a licensed instructor, parents or guardians, or a single person age 20 or more apply for the first three months of licensure, as they did under the learner's permit. For the fourth through sixth month, additional immediate family members may be carried. After six months, the restrictions end except that a 16- or 17-year-old may never transport more passengers than the number of vehicle seating positions with seat belts.

The bill extends the first restriction to the first six months of licensure instead of the first three months. The authorization to carry other family members who are not parents or guardians would apply for the seventh through 12<sup>th</sup> month of licensure. Thus, under the bill, a 16- or 17-year-old is, in effect, prohibited from carrying any passenger who is under age 20 for the first year of licensure, unless that person is an immediate family member.

The bill authorizes the DMV commissioner to adopt regulations that provide exceptions to the passenger restrictions for a single parent under age 18 for purposes of transporting his or her child to day care, child care and education facilities, medical appointments, and other

purposes the commissioner may determine.

## **DRIVER'S LICENSE SUSPENSIONS FOR 16- AND 17-YEAR-OLDS**

### ***Administrative Per Se License Suspension***

By law, anyone who holds a driver's license is deemed to have given implied consent to have his blood, breath, or urine tested for the presence of alcohol or drugs. If, after being arrested for driving under the influence of alcohol or drugs and being apprised of his or her rights and given the opportunity to call an attorney, the person either refuses the test or takes it and the results show an "elevated blood alcohol content" the person is subject to an administrative driver's license suspension imposed by DMV independently of any consequences that may result from adjudication of the criminal charge in court. This is called an administrative per se license suspension.

Currently, anyone under age 21 who does not contact DMV for a hearing, fails to show up for a scheduled hearing, or who receives an adverse hearing decision is subject to a license suspension that is twice as long as the period imposed on someone age 21 or older for a similar type of violation.

The bill makes this enhanced administrative license suspension even longer for a 16- or 17-year-old for a first per se offense. Specifically, the suspension for a first per se violation by a 16- or 17-year-old is increased from: (1) one year to 18 months for a test refusal, (2) 180 days to one year for a test result of .02% but under .16%, and (3) from 240 days to one year for a test result of .16% or more (See BACKGROUND).

### ***Violation of Post-Licensure Driving Restrictions***

By law, violation of any of the restrictions that apply to 16- and 17-year-olds after licensure (passengers, curfew, and seat belts) is an infraction. Currently for a second or subsequent violation, the commissioner may suspend the driver's license until the 16- or 17-year-old reaches age 18. The bill, instead, requires the commissioner to suspend the license for 30 days for a first violation of the restrictions

and for six months, or until age 18, whichever is longer, for a second violation. Thus someone who commits a second violation less than six months before he turns 18 years old would serve a six-month suspension. Currently, these individuals can only be suspended for the period remaining until their 18<sup>th</sup> birthday.

### ***Violation of Specified Traffic Laws***

The bill establishes a set of mandatory license suspensions for 16- and 17-year-olds convicted of (1) exceeding a posted speed limit by 20 miles per hour or more when the limit is under 65 miles per hour, (2) reckless driving, (3) racing a motor vehicle on a highway, and (4) using a cell phone or mobile electronic device while driving. The bill, in effect, (1) increases suspension periods for 16- and 17-year-olds for reckless driving and motor vehicle racing over the current periods that apply to all drivers and (2) establishes license suspensions for speeding and use of cell phones by 16- and 17-year-olds where none currently exist. The mandatory suspensions are shown below.

<i>Violation</i>	<i>Current Suspension (All Drivers)</i>	<i>Suspension for 16- or 17- Year-Old Under the Bill</i>
Speeding*	Not permitted by law until 4 <sup>th</sup> conviction within two years unless ordered by the court  4 <sup>th</sup> violation—up to 30 days  5 <sup>th</sup> violation—up to 60 days  6 <sup>th</sup> or subsequent—up to 6 months	1 <sup>st</sup> violation—60 days  2 <sup>nd</sup> violation—90 days  Subsequent—6 months
Reckless Driving	1 <sup>st</sup> violation—30 days  Subsequent—90 days	1 <sup>st</sup> violation—6 months  Subsequent—1 year

Racing on a Public Highway	1 <sup>st</sup> violation – 30 days Subsequent – 90 days	1 <sup>st</sup> violation – 6 months Subsequent – 1 year
Use of Cell Phone or Mobile Electronic Device While Driving	None	1 <sup>st</sup> violation – 30 days 2 <sup>nd</sup> violation – 90 days Subsequent – 6 months
<p>*Speeding currently occurs when someone drives (1) at a speed that endangers the life of any vehicle occupant but not someone outside the vehicle or (2) on any highway at more than 55 miles per hour (or more than 65 miles per hour if that is the speed limit on the highway). The bill expands the definition of speeding to include someone under age 18 driving at 20 miles per hour or more above any posted speed limit less than 65 miles per hour.</p>		

By law, someone can be charged with “traveling unreasonably fast” under (CGS § 14-218a) if he is driving above the posted limit or at any speed, regardless of the speed limit, that is greater than reasonable for the road and weather conditions. A person who drives more than 55 miles per hour and exceeds the posted speed limit can be charged with speeding (CGS Sec. 14-219) instead of traveling unreasonably fast. The main difference between the two is the fine structure. Under the bill, someone under age 18 going 20 miles per hour above a speed limit set at less than 65 miles per hour would be cited for speeding. The bill’s license suspension provision applies specifically to that violation.

#### **SUMMARY 48-HOUR LICENSE SUSPENSION FOR CERTAIN VIOLATIONS**

The bill establishes a 48-hour summary suspension of a 16- or 17-year-olds driver’s license if the teenage driver is cited for:

1. violating any of the driving restrictions that apply after licensure;

2. driving 20 miles per hour or more above a posted speed limit on any road posted for a speed of less than 65 miles per hour;
3. driving under the influence of alcohol or drugs or with an elevated blood-alcohol level (which is .02% or more for anyone under age 21);
4. driving recklessly in violation of CGS § 14-222; or
5. racing a motor vehicle on a public highway.

If the 16- or 17-year-old is cited for any of these law violations, the police officer must seize the driver's license for 48 hours on behalf of the DMV commissioner and may have the vehicle removed. The license seizure begins on the date and time the arrest is made or the summons or infraction complaint is issued. The driver's license is considered suspended for the 48 hours.

To regain the license, the 16- or 17-year-old and his parent or legal guardian must appear in person at the police department, state police barracks, or other designated location and sign a written acknowledgement of its return. No restoration fee may be charged for return of the license. The police officer who seized the license must make a written report of the violation and the suspension action to the commissioner on a form, and in a time and manner, that the commissioner prescribes.

### **JOINT INSTRUCTION IN MATTERS RELATING TO TEEN DRIVING**

By law, any 16- or 17-year-old must attend an eight-hour course in safe driving practices and the effects of alcohol or drugs on driving, among other things. This applies even if the teen is receiving driving instruction certified by a parent, guardian, or other responsible adult instead of through commercial driving instruction or a secondary school driver's education program.

The bill requires the commissioner to amend the regulations for this eight-hour course to include two hours of instruction concerning the

laws and penalties that apply to drivers under age 18, the dangers of teenage driving, cognitive development of adolescents, the responsibilities and liabilities of parents of teenage drivers, and any other subjects he deems appropriate. It requires the parent or guardian of anyone under age 18 with a learner's permit to attend this two-hour component of the course with the child. It also requires the 16- or 17-year-old to provide an affidavit signed by an official of the driving school or driver education program under penalty of false statement that a parent or guardian of the child attended the two hours of instruction with the child. The permit holder may not take the driver's test unless this affidavit is provided. These requirements apply for any applicant issued a permit on or after August 1, 2008.

### **SEAT BELT REQUIREMENTS**

By law, the driver and all front seat passengers in a motor vehicle must wear seat belts or, if appropriate, be in a child restraint system. The driver must also make sure that any rear seat passenger under age 16 is secured in a seat belt. The bill requires any passenger, regardless of age, to wear a seat belt in a vehicle being driven by someone user age 18. It also increases the fine for anyone who violates the seat belt use requirements while being driven by someone under age 18. Currently, violations are infractions with a fine of \$15 (total amount due for a violation with additional fees and assessments required by law is \$37). Under the bill, violations by anyone in a vehicle being driven by someone under age 18 are infractions with a \$75 fine (total amount due would be \$123).

### **DRIVER RETRAINING PROGRAM**

By law, anyone age 24 or younger who commits two or more moving violations or suspension violations must complete the DMV-certified driver retraining program or face a license suspension until the program has been completed. Anyone over age 24 must complete the program after three moving or suspension violations. The driver retraining program is conducted by four DMV-approved vendors.

The bill adds to the list of moving violations that can lead to



participation in the driver retraining program (1) violations of learner's permit requirements or post-licensure driving restrictions for 16- or 17-year-olds and (2) violations of the prohibition on the use of any type of cell phone or mobile electronic devices by a 16- or 17-year-old while driving. By law, drivers under age 18 cannot use any cell phone or mobile electronic device, whether or not it is hands free.

### **YOUTHFUL OFFENDERS**

Under the bill, someone under age 18 who commits any of the following cannot be considered a youthful offender:

1. negligent homicide with a motor vehicle (CGS § 14-222a);
2. failure to stop and render assistance when knowingly involved in an accident that causes the death or serious physical injury of another person (CGS § 14-224(a)); and
3. operating a motor vehicle while under the influence of alcohol or drugs, or with an elevated blood alcohol level, which for someone under age 21 is a blood alcohol level of .02% or more (CGS § 14-227a or 14-227g).

Under the bill, the records of any youth adjudged a youthful offender for a violation of any of the following must be disclosed to the DMV for administrative use in determining whether a driver's license suspension is warranted:

1. reckless driving (CGS Sec. 14-222),
2. operating while under suspension (CGS Sec. 14-215),
3. evading responsibility following an accident involving property damage or non-serious injury (CGS Sec. 14-224(b)),
4. racing a motor vehicle on a public road (CGS Sec. 14-224(c)), and
5. disregarding a police officer's signal to stop and increasing speed in an attempt to escape or elude such officer (CGS Sec. 14-

223(b)).

The bill requires the DMV commissioner to suspend the youth's license for six months for a first offense and one year for a second or subsequent offense. It prohibits such records from being further disclosed.

### **ADMINISTRATION OF KNOWLEDGE TEST TO 16- OR 17-YEAR-OLD**

Currently, a 16- or 17-year-old must take and pass at the time of application for a learner's permit a (1) vision screening and (2) knowledge test on motor vehicle laws and rules of the road. Currently, this knowledge test is a short test consisting of 10 questions. DMV administers a full-knowledge test and a road test when the 16- or 17-year-old comes to DMV for the license examination. The bill makes the knowledge test at time of licensure discretionary rather than mandatory. In effect, the change allows DMV to modify its current practice and administer the full-knowledge test when the learner's permit is issued.

### **BACKGROUND**

#### ***Administrative Per Se License Suspension Periods***

The current license suspension periods that apply under administrative per se law are shown below (CGS § 14-227b).

<i>Administrative Per Se License Suspension Periods</i>			
<i>Per Se Offense</i>	<i>First Offense</i>	<i>Second Offense</i>	<i>Third Offense</i>
Test Refused	6 months	1 year	3 years
Test Refused and Under 21	1 year	2 years	6 years
BAC is .08% or more but under .16%	90 days	9 months	2 years

BAC is .02% or more but under .16% and Under 21	180 days	18 months	4 years
BAC of .16% or more	120 days	10 months	2 years, 6 months
BAC of .16% or more and Under 21	240 days	20 months	5 years

***Related Bill***

Another bill, sSB 337 (File 529), beginning January 1, 2010, excludes motor vehicle infractions, violations, and offenses committed by 16- and 17-year-olds from the definition of “delinquent act,” subjecting offenders to prosecution as adults.

**COMMITTEE ACTION**

Transportation Committee

Joint Favorable Substitute Change of Reference

Yea 31 Nay 0 (03/07/2008)

Judiciary Committee

Joint Favorable Substitute

Yea 43 Nay 0 (03/24/2008)